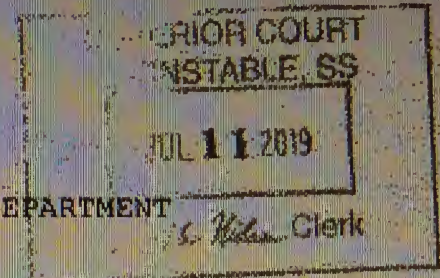


COMMONWEALTH OF MASSACHUSETTS



BARNSTABLE, ss.

SUPERIOR COURT DEPARTMENT
Civil Action No.

S. Kahan Clerk

COMMONWEALTH OF MASSACHUSETTS
Plaintiff

COMPLAINT FOR FORFEITURE

vs.

ONE 2007 AUDI A4
VIN: WAUDF78E67A100775
Defendant

1. The plaintiff is the Commonwealth of Massachusetts.
2. This complaint is brought in the name of the Commonwealth of Massachusetts by the District Attorney of the Cape and Islands District seeking an order of forfeiture of the defendant pursuant to M.G.L. Chapter 94C, Section 47.
3. ONE 2007 AUDI A4, VIN: WAUDF78E67A100775, seized on May 23, 2019 from the property of LUIS F. MARTINEZ, DOB: 12/06/1979, Criminal Docket #: 1926CR00431.
4. The circumstances surrounding said seizure are contained within the attached affidavit, which is hereby incorporated by reference.
5. The defendant was used or intended for use to facilitate the distribution or possession with intent to distribute a controlled substance in violation of this chapter.

WHEREFORE, the plaintiff prays:

1. That notice issue to persons who appear to have an interest in the defendant to appear on its behalf as follows:
 - a. Notice by certified or registered mail be given by the Commonwealth as provided in M.G.L. Chapter 94C, Section 47 (d).
2. That the matter be set down for a hearing.
3. That after hearing, the Court issue an order forfeiting the defendant to the District Attorney's Office in behalf of the Commonwealth.

For the Commonwealth,

Michael O'Keefe
District Attorney
Cape & Islands District

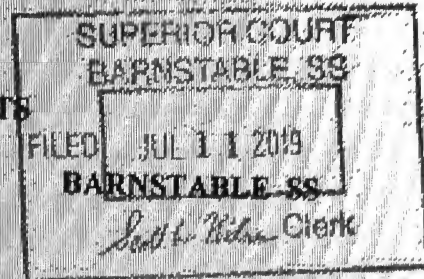
By: 

Michael Donovan
Assistant District Attorney

Dated: July 10, 2019

COMMONWEALTH OF MASSACHUSETTS

AFFIDAVIT



**Commonwealth of Massachusetts
Plaintiff
VS.**

2007 AUDI A4, VEHICLE IDENTIFICATION NUMBER: WAUDE78E67A1100775

I, Robert A. Schnitzer, (affiant) being duly sworn do depose and say:

This affiant is currently a Detective Sergeant, Court Prosecutor, Evidence Custodian, and Juvenile Officer for the Eastham Police Department. This affiant holds a Bachelor's Degree in Criminal Justice from Marist College, and a Master's Degree in Criminal Justice Administration from Western New England University. This affiant graduated from the City of Kingston, NY Police Academy in 1997, and has since been continuously employed by police departments in New York State and the Commonwealth of Massachusetts. This affiant has been a police officer with the Town of Eastham Police since 2001, and has held the rank of Sergeant since 2005. This affiant has attended annual in-service trainings while in both New York and Massachusetts, and has been trained in the following, but not limited to: interviews and interrogations, search and seizure, evidence collection and processing, search warrants, sexual assault investigations, background investigations, internal affairs investigations, victim trauma, social media and digital evidence, juvenile law, and narcotics investigations. This affiant has also investigated cases resulting in the arrest and conviction of persons for violations of drug laws which included the seizure of drugs, monies and other properties associated with the trafficking and or distribution of drugs.

The following facts and information is based upon the knowledge of all of the investigating officers named herein, their investigation, and the discovery and processing of evidence tied to what is believed to be the distribution of drugs in exchange for money by Mr. Luis F. Martinez (DOB 12/06/79), while utilizing and operating his 2007 Audi A4 motor vehicle (Massachusetts Registration: 9DJ598, Vehicle Identification Number: WAUDE78E67A100775) to transport his drug products and cash transaction proceeds as part of an illicit drug distribution enterprise.

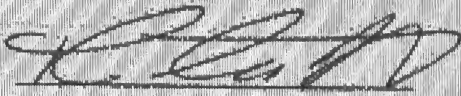
1. On Thursday, May 23, 2019, at approximately 01:18 am, Eastham Police Officer Ryan Melia and Eastham Police Sergeant Reid Booth were advised by Eastham Police Dispatch of a motor vehicle operations complaint involving a gray Audi traveling northbound on Route 6 in the Town of Eastham. Dispatch advised that the reporting party, identified as Lauren Boardman, stated that the vehicle was being driven by Luis Martinez and that he had been pulling into her driveway and harassing her. Boardman also advised that she believed that Martinez was operating under the influence of alcohol. Boardman advised that the gray Audi had pulled out of her driveway and had started driving northbound on Route 6. Route 6 is a public way in the Town of Eastham.
2. In the area of Route 6 and Governor Prentice Road, Sergeant Booth observed a gray Audi, Massachusetts registration: 9DJ598, traveling northbound in the travel lane. Sgt. Booth

made observations of the operation of said vehicle, and subsequently initiated a motor vehicle stop for traffic violations in the area of 3580 Route 6 (Arnolds Restaurant).

3. Upon approach of the vehicle, Sgt. Booth identified the operator as Luis F. Martinez through his valid Massachusetts driver's license. Sgt. Booth made observations of Martinez which led to further investigation for suspicion of operating a motor vehicle under the influence of alcohol.
4. Sgt. Booth requested Martinez exit the vehicle for field sobriety testing, and at the end of this testing, Sgt. Booth arrested Martinez for Operating Under the Influence of Alcohol.
5. As per Eastham Police Department Policy and Procedure, Sgt. Booth conducted a motor vehicle inventory search prior to the removal of the vehicle by towing.
6. Upon opening the trunk to complete the inventory, Sergeant Booth located a blue backpack on the left side of the trunk. Upon unzipping the backpack, and taking inventory of the contents, Sergeant Booth located:
 - a. (5) Glass Mason type jars,
 - i. (4) Glass jars contained a green leafy substance, suspected of being marijuana,
 - ii. (1) Glass jar which contained a substance suspected of being psilocybin mushrooms.
 - b. In a separate pocket of the backpack was:
 - i. (1) Digital scale.
 - ii. (1) Green "TD Bank" zippered money pouch, typically used to transport cash.
 - 1) Inside of the money pouch were two bundles of cash, one containing \$1,820.00, and one containing \$2018.00, for a total of \$3,838.
 - c. (1) Glass smoking pipe,
 - d. (1) Small vial containing an unknown liquid.
 - e. (1) Open box of *Simply Done* plastic sandwich bags near where the backpack had been located.
 - f. (1) Green reusable *Stop and Shop* bag that bag that contained:

belief of the herein named investigating officers, that Luis F. Martinez was engaged in the illegal distribution of controlled substances, and the aforementioned vehicle was involved in the distribution enterprise. Consequently, this affiant respectfully requests that Martinez's aforementioned vehicle be seized and forfeited.

This affidavit subscribed to and sworn to under the pains and penalties of perjury.

A handwritten signature in dark ink, appearing to read 'R. Schnitzer', written over a horizontal line.

Robert A. Schnitzer
Detective Sergeant
Eastham Police